

provide for the construction of the Mississippi and Pacific railroad—lost.

Mr. Potter introduced A bill for the relief of A. J. Lewis' heirs—read 1st and 2nd times and referred to the committee on Private Land Claims No. 1.

Mr. McDade offered the following resolution.

*Resolved*, The House concurring, that the two Houses meet in Joint Session on Monday the 18th inst., at 10 o'clock, A. M., for the purpose of electing a State Engineer—adopted.

On motion of Mr. Hill, the Senate adjourned till 8 o'clock, A. M., to-morrow.

#### THURSDAY, Aug. 14th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Guinn, chairman of the committee on Engrossed bills, reported the following bills correctly engrossed :

A bill to incorporate the Brazoria High School.

A bill to authorize the Commissioner of the General Land Office to issue patents upon certain surveys heretofore made upon the Islands of Mustang, Matagorda and St. Joseph.

A bill to amend an act to create the county of Comanche.

A bill to incorporate the town of Mount Pleasant in Titus county, Texas.

A bill to establish Woodville College, and to incorporate the trustees of the same, and

A bill for the relief of the heirs of Susan Latham.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary Committee have considered a bill to allow Wm. R. Stevenson to take charge of his own property, and transact business, as though he were of full age, and a majority of the committee direct me to return the same to the Senate and recommend that it be laid upon the table.

The committee do not think the relief sought by the bill, safe or expedient—experience has shown that there are but few persons under twenty-one years of age who can be safely trusted to transact business on their own account and for their own benefit ; they have not the necessary experience with the ways of the world or knowledge of their fellow-men, and in some of the few cases of like legislation in this State, the



result has been anything but beneficial to the parties and their friends, in whose favor the legislation has been sought for and obtained.

Mr. Pirkey, from the committee on Private Land claims No. 2, to which was referred the memorial of the County Court of Robertson county, reported a bill therefor, and recommended its passage.

A bill for the relief of Robertson county; read 1st time.

Mr. Pirkey, from the same committee, to which was referred a bill for the relief of Patsey Kitchens, Elizabeth Smith and Francis L. Blanton, reported the parties, (especially Patsey) entitled to relief, and recommended the passage of the bill.

Mr. Whitaker, chairman of the committee on Private Land claims No. 2, to which were referred bills for the relief of P. G. Moffatt, Solomon Wideman, certain persons therein named, heirs of R. F. Millard, and the widow and heirs of Samuel P. Carson, and of the heirs of Edward F. Stansbury, reported the same back and recommended their passage.

Mr. Taylor of Houston, from the Judiciary committee, to which was referred a bill for the relief of the heirs of Martin Murchison, deceased, reported the same back, with an amendment, and recommended the adoption of the amendment and the passage of the bill.

Amendment, strike out "and labor" in 8th section.

Mr. Taylor of Fannin, chairman of the committee No. 1 on Private Land claims, made the following report:

The committee on Private Land No. 1, have had before them a bill for the relief of the heirs of A. Irwin Lewis, deceased. There is no law authorizing the issue of land to officers of the Navy (Irwin Lewis having been a Lieut. in the Texas Navy) but that this is one of the cases that appeal strongly to the gratitude of the State. The applicant is the widow of Lieut. Lewis; she is very poor, and has two little children who depend alone upon the exertions of the mother for support.

She comes to the Legislature well recommended. The committee think that it would not be ungrateful on the part of the Legislature to donate to said heirs 640 acres of land.

They therefore recommend the adoption of the accompanying substitute, and the passage of the bill.

On motion of Mr. Taylor of Fannin, the rule was suspended, the report taken up and adopted.



On motion of Mr. White, the caption of the bill was amended by striking out "the Heirs" and inserting "Mrs. G. M. Lewis, widow."

On motion of Mr. Grimes, the caption of the bill was amended by adding, "late Lieut. in the Navy of Texas."

The bill was then read 2d time and ordered to be engrossed.

Rule further suspended; bill read 3d time and passed by the following vote:

YEAS.—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Whitaker, White and Wren—25.

NAYS—None.

Mr. Hill, from the committee on Public Lands, made the following report:

"The committee on Public Lands, have considered a bill for the relief of William Frels, and have instructed me to return the same to the Senate and recommend its passage."

On motion of Mr. Hill, the rule was suspended; bill taken up, read and ordered to be engrossed.

On motion of Mr. Hill, the rule was further suspended: bill read 3d time and passed.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

The Judiciary committee have considered a bill to be entitled an act to fix the compensation of Special Judges of the Supreme Court for special services, and direct me to report a substitute for the same, and recommend the adoption of the substitute, and the passage of the bill.

On motion of Mr. Potter, the rule was suspended; report taken up, substitute adopted and bill ordered to be engrossed.

On motion of Mr. Palmer, the rule was further suspended: bill read a 3d time and passed.

Mr. Taylor of Fannin, chairman of the committee on Private Land claims No. 1, reported a bill for the relief of Rees D. Price back to the Senate, and recommended its passage.

On motion of Mr. Taylor of Houston, the rule was suspended; bill taken up, read, and passed to a 3d reading.

On motion of Mr. Hill, the rule was further suspended; bill read 3d time and passed.

Mr. Millican, chairman of the committee on Roads, Bridges and Ferries, reported "a bill to authorize Albert G. Hunt to



construct a bridge across the Yegua, at or near Blake's crossing" back to the Senate, and recommended in passage.

On motion of Mr. McDade, the rule was suspended; bill taken up, read and ordered to be engrossed.

On motion of Mr. McDade, the rule was further suspended; bill read a 3d time and passed by the following vote:

YEAS—Messrs. Armstrong, Bryan, Caldwell, Flanagan, Grimes, Guinn, Lott, McCulloch, McDade, Maverick, Palmer, Pedigo, Pirkey, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford and Wren—19.

NAYS.—Messrs. Millican, Potter and Whitaker—3.

Mr. Maverick presented the petition of J. Ignacio Tijeda; referred to the committee No. 1 on Private Land claims.

Mr. Allen introduced a bill to amend the 1st and 5th sections of an act creating the county of Young, approved Feb. 2d, 1856; read 1st time.

On motion of Mr. Allen, the rule was suspended; bill read 2d time and ordered to be engrossed.

On motion of Mr. Allen, the rule was suspended; bill read 3d time and passed.

On motion of Mr. Potter, a bill to consolidate into one and amend the several acts incorporating the city of Galveston, was taken up and read a 2d time.

Mr. Potter offered the following amendments:

1st. In section 15, line 7, strike out the words "by the Treasurer," and insert "in the name."

2d. In section 24, line 3, after "thirty," strike out "fifth" and insert "first."

3d. In section 26, last line, after the word "majority" insert "of two-thirds."

4th. In section 31, strike out the proviso at the end of the Sec.

5th. In section 33, last line, after the word "Alderman" "and other elective officers."—adopted.

The bill was then passed to 3d reading.

On motion of Mr. Potter, the rule was suspended; bill read 3d time and passed.

On motion of Mr. McCulloch, the bill for the relief of Wm. DeWoody, was taken up, read a 2d time and ordered to be engrossed.

On motion of Mr. McCulloch, the rule was suspended; bill read 3d time and passed.

On motion of Mr. Flanagan, a bill for the relief of Jonas Gilbert, was taken up and read.



Mr. Flanagan offered as a substitute, a bill for the relief of Jonas Gilbert and others—adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Flanagan, the rule was suspended; bill read 3d time and passed.

#### ORDERS OF THE DAY.

The motion for the previous question, on a bill authorizing the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, under consideration when the Senate adjourned, was withdrawn.

The question then recurred on the amendment of Mr. Potter, to strike out "50 cents" and insert "\$1.00."

On motion of Mr. Potter a call of the House was ordered.

Absent—Messrs. Hill, Hord, McCulloch, Scott and Wren.

Mr. Allen, chairman of the committee on enrolled bills, reported the following bills correctly enrolled, properly signed and this day presented to the Governor:

A bill authorizing the Commissioner of Claims to employ an additional Clerk.

A bill to incorporate the Yeagua Turnpike and Bridge Company.

A bill to authorize the County Court of Houston county to transcribe the mark and brand book of said county, and index the same, and

A bill for the relief of Powhatan Archer.

Mr. Taylor of Cass, from the same committee, reported correctly enrolled, properly signed, and this day presented to the Governor,

A bill authorizing John Mooney to construct a dam across the San Marcos river.

A bill to incorporate the Galveston Gas Company.

A bill for the relief of John Moody.

A bill to incorporate the town of New Salem.

A bill to incorporate the town of Helena, in Karnes county.

And a bill to incorporate the University of St. Mary, in the city of Galveston.

On motion of Mr. Martin, a bill concerning the School lands of Navarro county, was taken up, read and ordered to be engrossed.

Rule suspended; bill read 3d time and passed.

On motion of Mr. Potter, a bill for the relief of the heirs of Edward Wingate, was taken up, read 2d time and ordered to be engrossed; rule suspended, bill read 3d time and passed.



On motion of Mr. White, a bill authorizing L. S. Owings and his associates to construct a bridge across the San Antonio river, with the report of the committee on Roads, Bridges and Ferries, offering amendments thereto, was taken up, read and report adopted.

Mr. Maverick offered the following amendment: after "10 miles" add the words "for five years after its construction."

Mr. Millican moved to amend the amendment by striking out "5" and insert "10"—lost and the amendment adopted.

Mr. Maverick moved to strike out "5 years" in which to complete the bridge, and insert "3"—lost.

The bill was then ordered to be engrossed; rule suspended, bill read 3d time and passed by the following vote:

YEAS.—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford and White—22.

NAYS—None.

On motion of Mr. Caldwell, a bill to relinquish the right of the State to certain Salt Springs or Licks therein mentioned, was taken up, read and ordered to be engrossed.

Rule suspended, bill read 3d time and passed.

On motion of Mr. Pirkey, a bill for the relief of the heirs of James L. Ewing, was taken up, read and ordered to be engrossed.

Rule suspended; bill read 3d time and passed.

On motion of Mr. Taylor of Cass, the report of the committee on the Judiciary, on a bill to incorporate the town of Athens, offering a substitute therefor, was taken up, read, the substitute adopted and bill ordered to be engrossed.

Rule suspended; bill read 3d time and passed.

On motion of Mr. Bryan, a House bill for the relief of the heirs of Elizabeth Howard, deceased, and other persons therein named, was taken up, read and passed to a 3d reading.

On motion of Mr. Whitaker, a bill for the relief of James T. Cadenhead, was taken up, read and ordered to be engrossed.

Rule suspended; bill read 3d time and passed.

The Senate being full, the question recurred on the amendment offered by Mr. Potter, which was rejected by the following vote:

YEAS.—Messrs. Bryan, Caldwell, Guinn, Hill, McDade,



Maverick, Palmer, Pirkey, Potter, Superviele, Taylor of Fannin, and Whitaker—12

NAYS—Messrs. Allen, Armstrong, Burroughs, Flanagan, Grimes, Lott, Martin, Millican, Pedigo, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren—15.

Mr. Burroughs offered the following amendment: Provided that nothing herein contained shall be so construed as to hold in reserve any lands lying east of the Trinity river, and the provisions of this act shall not apply to any territory lying east of the Trinity river, but all territory east of said river shall be, and the same is hereby declared open to location and settlement, under the same rules and regulations as other public domain."—rejected.

On motion of Mr. Palmer, the 3d section was amended by inserting "Railroad certificate" and the 6th section, by striking out "conflicting" and inserting "so far as they conflict."

Mr. Guinn, offered the following amendment: "strike out '50 cents' and insert '75 cents.'"

On motion of Mr. Taylor of Cass, a division of the question was ordered, and the Senate refused to strike out by the following vote:

YEAS—Messrs. Bryan, Caldwell, Guinn, McDade, Maverick, Palmer, Pirkey, Potter, Scott, Superviele, Taylor of Fannin, and Whitaker—12.

NAYS—Messrs. Allen, Armstrong, Burroughs, Flanagan, Grimes, Hill, Lott, Martin, Millican, Pedigo, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren—16.

On motion of Mr. Taylor of Fannin, the bill was amended by adding, "Provided that all surveys recognized by this act shall be in a square, should surveys be made before the passage of the act incorporating the Mississippi and Pacific Railroad admit of it."

Mr. Hill moved to amend by striking out "July" and inserting "March" in section 3.

Mr. Palmer moved to amend the amendment, by striking out "March" and inserting "January"—lost and the amendment adopted.

Mr. Potter offered the following amendment:

"SEC. —. That all files and surveys heretofore made, by virtue of any genuine land claim, shall be, and is hereby declared as valid as if made on vacant public domain"—lost by the following vote:



YEAS.—Messrs. Armstrong, Bryan, McDade, Millican, Palmer, Pedigo, Pirkey, Potter, Superviele and Taylor of Fannin—10.

NAYS.—Messrs. Allen, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Martin, Maverick, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, Whitaker and White—18.

On motion of Mr. Armstrong, the previous question was ordered, and the bill ordered to be engrossed, by the following vote :

YEAS.—Messrs. Armstrong, Burroughs, Caldwell, Flanagan, Grimes, Hill, Lott, McCulloch, McDade, Martin, Pedigo, Pirkey, Scott, Taylor of Houston, Truit, Weatherford, White and Wren—18.

NAYS.—Messrs. Allen, Bryan, Guinn, Maverick, Millican, Palmer, Potter, Superviele, Taylor of Fannin, and Whitaker—10.

On motion of Mr. Taylor of Houston, the rule was suspended ; bill read 3d time and passed by the following vote :

YEAS.—Messrs. Armstrong, Burroughs, Caldwell, Flanagan, Grimes, Hill, Lott, McCulloch, McDade, Martin, Maverick, Millican, Scott, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren—19.

NAYS.—Messrs. Allen, Bryan, Guinn, Palmer, Pirkey, Potter, Superviele, Taylor of Fannin, and Whitaker—9.

On motion of Mr. Palmer, a bill to repeal an act, donating to actual settlers on vacant public domain, 160 acres of land, was taken up, read, and ordered to be engrossed ; rule suspended, bill read 3d time and passed by the following vote :

YEAS.—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Maverick, Millican, Palmer, Pirkey, Potter, Scott, Superviele, Taylor of Cass, Taylor of Houston, Weatherford Whitaker, White and Wren—22.

NAYS.—Messrs. Armstrong, Guinn, Lott, Martin, Taylor of Fannin, and Truit—6.

Mr. Whitaker moved to reconsider the vote just taken—lost.

On motion of Mr. Taylor of Cass, the Senate adjourned till 8 o'clock to-morrow morning.